Supreme Court, U.S.
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No. 04-940

In the Supreme Court of the United States

ILLINOIS, PETITIONER,

v.

JOSE TORRES, RESPONDENT.

On Petition for a Writ of Certiorari to the Appellate Court of Illinois

SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

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SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

As noted in the State's petition for certiorari,* the judgment below rests primarily, if not exclusively, upon *People v. Harris*, 207 Ill. 2d 515, 802 N.E.2d 219 (2003). See Pet. 3. Accordingly, the State asked that the petition be held and disposed of consistently with this Court's resolution of *Illinois v. Harris*, No. 03-1224, where the State had sought review of the judgment in *People v. Harris*, *supra*. See Pet. 4.

After the certiorari petition in this case was filed, this Court granted the State's certiorari petition in *Harris*, vacated the judgment, and remanded to the Illinois Supreme Court for further consideration in light of *Illinois v. Caballes*, 543 U.S. ___ (2005). See *Illinois v. Harris*, 543 U.S. ___ (2005). The certiorari petition in this case should receive the same disposition.

CONCLUSION

The petition for a writ of certiorari should be granted, the judgment below should be vacated, and the case should remanded to the Appellate Court of Illinois for further consideration in light of *Illinois v. Caballes*, 543 U.S. ___ (2005).

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* On January 11, 2005, the Attorney General of Illinois, on behalf of petitioner State of Illinois, filed a motion (i) to substitute her Solicitor General as counsel of record for the State, and (ii) to substitute the certiorari petition submitted therewith for the petition previously filed by the Office of the State's Attorney of Cook County. That motion remains pending. The references in this brief to the State's certiorari petition are to the petition submitted by the Attorney General.

Respectfully submitted.

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